

IN SUPPORT OF THE ESTABLISHMENT OF A JOINT CONGRESSIONAL COMMITTEE TO OVERSEE THE CIA

Mr. JAVITS. Mr. President, the time has come for the Congress to exercise legislative oversight on the intelligence community generally and the CIA in particular in a consistent, formal, continuing, and responsible way. Since the CIA was instituted in 1947 as a part of the National Security Council, the Congress has proscribed itself by statute from checking the activities of the CIA to the extent that Congress normally oversees governmental policy. As a result, the activities of the CIA are monitored by the Congress only in a limited way and this monitoring is done by a number of congressional committees, but mainly in the appropriations process.

Before elaborating on the need for a Joint Congressional Committee on the Central Intelligence Agency as proposed by Senator Young, from Ohio, I should like to review the statutory background and congressional committee responsibility as regard the CIA.

In the National Security Act of 1947, Congress made the Director of the CIA responsible for "protecting intelligence sources and methods from unauthorized disclosure." In the CIA Act of 1949, Congress specifically exempted the CIA from existing statutes which required all governmental agencies to publish "the organization, functions, names, official titles, salaries, or numbers of personnel" which they employed. The act also forbade the Director of the Budget from issuing the usual reports to Congress.

In 1956, the Senator from Montana [Mr. MANSFIELD] moved to establish a joint committee, but his bill was defeated on the floor of the Senate by 59 to 27. Subsequent bills have been introduced, but they have all died in committee. Recognizing the necessity and importance of intelligence activities, Congress has deliberately tied its own hands in an attempt to maintain the security and integrity of the CIA.

Rather than establish a joint committee, Congress has decided to oversee the CIA through a variety of separate committees. There are, at least, six different committees in both Houses of Congress which monitor the CIA to greater and lesser degrees: the House and Senate Appropriations Committees, the House and Senate Armed Services Committees, and the Senate Foreign Relations and the House Foreign Affairs Committees. None of these committees has the time or the inclination to probe the CIA carefully and deeply, except in cases of sensational events such as the U-2 flights and the Cuban missile crisis.

Most Americans recognize the need for intelligence agencies in a dangerous world; most Americans also recognize the need for security in these matters.

We in Congress also appreciate the fine job now being done with the CIA by the various congressional committees. But there is a need for line authority and responsibility in exercising the legislative oversight function of the Congress. The joint committee proposed by the Senator from Ohio [Mr. Young] seems to fit the bill, for the following reasons:

First, intelligence gathering is a major operation in foreign policy and national security affairs, involving the expenditure of vast amount of funds.

Second, intelligence agencies sometimes find themselves making policy rather than simply executing it. This sometimes occurs without conscious design on the part of the intelligence agency either because policy directives from above do not exist in certain areas or because the CIA has people on the scene when the action happens who are not responsible to the local ambassadors. By force of circumstance, then, the work of the CIA sometimes in effect creates the policy where the President has not acted or even had a chance to act. There must be accountability to Congress for these on-the-spot decisions.

Third, the intelligence field is broad and complicated. Congress needs expertise on these matters, and the staff of the joint committee would be a step in that direction.

Congress has demonstrated restraint and reliability in past cooperation with the executive branch in respect of intelligence. The Joint Atomic Energy Committee is a good example of this. There is little reason for the executive branch to fear that Congress through the joint committee would now abuse this privilege. Congress has the responsibility to exercise legislative oversight over future intelligence operations and activities on a closer, continuing, and formal basis. For these reasons, I join with the Senator from Ohio [Mr. Young] in cosponsoring S. 2815, a bill to establish a Joint Committee on the Central Intelligence Agency.